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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,433

03/31/2004

Simon Knowles

321546US

3801

27964

7590

11/04/2010

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EXAMINER

HUISMAN, DAVID J

ART UNIT

PAPER NUMBER

2183

NOTIFICATION DATE

DELIVERY MODE

11/04/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/813,433	<b>Applicant(s)</b> KNOWLES, SIMON	
	<b>Examiner</b> DAVID J. HUISMAN	<b>Art Unit</b> 2183	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1-22 and 30, as set forth in the final rejection mailed on August 24, 2010.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). 8/25/10
13. ☐ Other: \_\_\_\_\_.

/David J. Huisman/  
 Primary Examiner, Art Unit 2183

The IDS filed on August 25, 2010, has not been considered because it was filed after final rejection and applicant has not included the appropriate statement under 37 CFR 1.97(e)

Applicant has not overcome the last objection to claim 1, which essentially says that applicant should either replace "a" with --said-- in the last line on page 2 because the last two lines of the claim refer to "said configurable data processing instruction". However, applicant twice recites "a configurable data processing instruction" in the 2<sup>nd</sup> to last paragraph. Therefore, it should be made clear that applicant is referring to the same instruction.

In claim 1, on page 2, 3<sup>rd</sup> to last line, insert --said one of-- after "supply".

In claim 22, applicant refers to "said configurable data processing instruction" in the 2<sup>nd</sup> to last paragraph, but twice recites "a configurable data processing instruction" in the 3<sup>rd</sup> and 4<sup>th</sup> to last paragraphs. Please make it clear that applicant is referring to the same instruction.

In claim 30, 2<sup>nd</sup> to last paragraph, line 3, replace "instruction defines" with --instructions defines--.

In claim 30, 2<sup>nd</sup> to last paragraph, line 4, insert --said one of-- after "supply".

In claim 30, 6<sup>th</sup> to last line, replace "instruction to" with --instructions to--.

On page 12 of the after-final remarks, applicant argues that the cited portion of Trimberger, i.e., column 3, lines 31-33, does not state that the programming information (configuration code) is provided in a configurable data processing instruction as presently claimed. Though fully considered, this argument is deemed non-persuasive because applicant may be reading too much into the claim. All that the claim requires is an instruction that includes configuration information. What this information comprises is not claimed. Trimberger inherently has taught such an instruction in column 3, lines 31-33. For a program to dynamically reconfigure the processor, at least one instruction must be executed (as all actions in a processor occur in response to instructions). This instruction need not include the configuration data itself but merely cause configuration, whether it be by way of providing configuration data itself, initiating a transfer of configuration data from an external source to a configurable circuit, etc. As long as it causes reconfiguration in some fashion, it includes configuration information and a configuration opcode. The scope of claim 1 does not preclude such an interpretation.